

**SUPREME COURT MINUTES  
WEDNESDAY, MAY 20, 2009  
SAN FRANCISCO, CALIFORNIA**

**S171429**      H032441 Sixth Appellate District

**PEOPLE v. TORRES (JUAN  
MATIAS)**

Granted & held (criminal case)

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Soria*, S164796 (see Cal. Rules of Court, rule 8.524(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.528, is deferred pending further order of the court.

George, C. J., was absent and did not participate.

Votes: Kennard, A. C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S171895**      G039028 Fourth Appellate District, Div. 3

**PEOPLE v. HERRERA  
(HONORIO MORENO)**

Petition for review granted

George, C. J., was absent and did not participate.

Votes: Kennard, A. C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S172023**

**POOSHS (NIKKI) v. PHILIP  
MORRIS USA, INC.**

Request for certification granted

The court grants the request, made pursuant to California Rules of Court, rule 8.548, for this court to decide questions of California law presented in a matter pending in the United States Court of Appeals for the Ninth Circuit. Pursuant to rule 8.548(f)(5) of the California Rules of Court, this court restates the questions as follows: “When multiple distinct personal injuries allegedly arise from smoking tobacco, does the earliest injury trigger the statute of limitations for all claims, including those based on a later injury?”

For the purposes of briefing and oral argument, plaintiff Nikki Pooshs is deemed the petitioner in this court. (Cal. Rules of Court, rule 8.520(a)(6).)

George, C. J., was absent and did not participate.

Votes: Kennard, A. C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S161382****LOWE (ANDREW GERAD)  
ON H.C.**

Order to show cause issued, returnable in Superior Court

The Director of the Department of Corrections and Rehabilitation is ordered to show cause returnable before the Los Angeles County Superior Court, when the matter is placed on calendar, why trial counsel was not ineffective for failing to file a notice of appeal and why petitioner should not be permitted to file a constructive notice of appeal. (See *Roe v. Flores-Ortega* (2000) 528 U.S. 470; *In re Benoit* (1973) 10 Cal.3d 72; Penal Code § 1240.1, subdivision (b).) The return is to be filed on or before June 19, 2009.

George, C. J., was absent and did not participate.

Votes: Kennard, A. C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S166520****MICHEL (ELIGH  
FITZUGHES) ON H.C.**

Order to show cause issued, returnable in Superior Court

The Director of the Department of Corrections and Rehabilitation is ordered to show cause returnable before the Riverside County Superior Court when the matter is placed on calendar: (1) why petitioner is not entitled to presentence credits (Pen. Code, §§ 2900.5, 4019) in case number RIF125341 from the date of his arrest on August 6, 2005, until his release on bail in May 2006; and (2) whether petitioner should receive any presentence credits in RIF125341 from the date of his arrest on September 29, 2006, until December 20, 2006, in light of his sentence in Riverside County Superior Court case number RIF132619. (See *In re Joyner* (1989) 48 Cal.3d 487; *In re Rojas* (1979) 23 Cal.3d 152; see also Attorney General's Informal Response in S166520, filed on March 30, 2009.) The return is to be filed on or before June 19, 2009.

George, C. J., was absent and did not participate.

Votes: Kennard, A. C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S171865**

F057190 Fifth Appellate District

**HIPP (ROY LEE) v. S.C.  
(PEOPLE)**

Petition for review granted; transferred to Court of Appeal, Fifth Appellate District, with directions to issue an alternative writ

The petition for review is granted.

The matter is transferred to the Court of Appeal, Fifth Appellate District, with directions to vacate its order denying prohibition/mandate and to issue an alternative writ to be heard before that court when the proceedings is ordered on calendar. Pending further order of the Court of Appeal, the trial in the matter of *People v. Roy Hipp*, Tulare County Superior Court, Case No. TCF041136-92 is hereby stayed.

George, C. J., was absent and did not participate.

Votes: Kennard, A. C. J., Werdegarr, Chin, and Moreno, JJ.

**S153813**      D046668 Fourth Appellate District, Div. 1      **VASQUEZ (CRISTINA) v.  
STATE OF CALIFORNIA**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division One  
In light of the decision in *Vasquez v. State of California* (2008) 45 Cal.4th 243, review in this matter is dismissed.

George, C. J., was absent and did not participate.

Votes: Kennard, A. C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S156334**      B194373 Second Appellate District, Div. 2      **PERRYMAN (BOSS) v.  
COUNTY OF LOS ANGELES**

Dismissed and remanded to Court of Appeal, Second Appellate District, Division Two  
In light of the decision in *Conroy v. Regents of University of California* (2009) 45 Cal.4th 1244, review in this matter is dismissed.

George, C. J., was absent and did not participate.

Votes: Kennard, A. C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S156793**      D048371 Fourth Appellate District, Div. 1      **VASQUEZ (CRISTINA) v.  
STATE OF CALIFORNIA**

Dismissed and remanded to Court of Appeal, Fourth Appellate District, Division One  
In light of the decision in *Vasquez v. State of California* (2008) 45 Cal.4th 243, review in this matter is dismissed.

George, C. J., was absent and did not participate.

Votes: Kennard, A. C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S157933**      B192189 Second Appellate District, Div. 5      **VASQUEZ (JUANA) v.  
COUNTY OF LOS ANGELES**

Dismissed and remanded to Court of Appeal, Second Appellate District, Division Five  
In light of the decision in *Conroy v. Regents of University of California* (2009) 45 Cal.4th 1244, review in this matter is dismissed.

George, C. J., was absent and did not participate.

Votes: Kennard, A. C. J., Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S166020** B194078/B196905 Second Appellate District, Div. 3 **COHEN (BEATRICE) v.  
NUVASIVE, INC.**

Transferred to Court of Appeal, Second Appellate District, Division Three, after hold  
The cause is transferred to the Court of Appeal, Second Appellate District, Division Three, with directions to vacate its decision and to reconsider the cause in light of *Conroy v. Regents of University of California* (2009) 45 Cal.4th 1244.

George, C. J., was absent and did not participate.

Kennard and Chin, JJ., were recused and did not participate.  
Votes: Werdegar, A. C. J., Baxter, Moreno, and Corrigan, JJ.

**S167334**

**RICCARDI (JOHN  
ALEXANDER) v. S.C.  
(PEOPLE)**

Petition for writ of mandate/prohibition denied  
Respondent's request for judicial notice, filed on December 9, 2008, is granted.  
The petition for writ of mandate/prohibition, filed on October 6, 2008, is denied.  
George, C. J., was absent and did not participate.  
Corrigan, J., is of the opinion an order to show cause should be issued.

**S171333**      A119908 First Appellate District, Div. 2

**PEOPLE v. ROMERO-  
ARELLANO (HELIODORO)**

Petitions for review denied  
George, C. J., was absent and did not participate.

**S171340**      A121376 First Appellate District, Div. 3

**R.V., IN RE**

Petition for review denied  
George, C. J., was absent and did not participate.

**S171357**      C056828 Third Appellate District

**PEOPLE v. JACKSON (PARIS  
LAMONT)**

Petition for review denied; CA opinion decertified  
The petition for review is denied.  
The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed February 10, 2009, which appears at 170 Cal.App.4th 1600. (Cal. Const., art. VI, section 14; rule 8.1125(c)(1), Cal. Rules of Court.)  
George, C. J., was absent and did not participate.

**S171376**      B208123 Second Appellate District, Div. 8

**HUDSPETH (ELVIN LEE) ON  
H.C.**

Petition for review denied  
George, C. J., was absent and did not participate.

**S171378** D052492 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. HEARD (FRANK ELI)**

**S171379** C057743 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MONTGOMERY (ROBERT CRAIG)**

**S171398** G039478 Fourth Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. GODOY (JOSE JUAN)**

**S171439** D050719 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**CRISTLER (JAMES W.) v. EXPRESS MESSENGER SYSTEMS, INC.**

**S171448** B213885 Second Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**NICKEY (DAVID JAMIESON) v. S.C. (PEOPLE)**

**S171461** D050186 Fourth Appellate District, Div. 1

Petitions for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. BRITTAIN (LANCE DENE)**

**S171486** A118801 First Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. GREER (LEE JOHN)**

**S171487** C058618 Third Appellate District  
Petition for review denied  
George, C. J., was absent and did not participate.

**DAVIES (CARL) ON H.C.**

**S171491** A123769 First Appellate District, Div. 2  
Petition for review denied  
George, C. J., was absent and did not participate.

**LASKEY (LAURIE MARIE) v.  
UNITED ONLINE, INC.**

**S171492** H033901 Sixth Appellate District  
Petition for review denied  
George, C. J., was absent and did not participate.

**EVANS, JR., (JAMES) ON  
H.C.**

**S171493** A123799 First Appellate District, Div. 2  
Petition for review denied  
George, C. J., was absent and did not participate.

**LASKEY (LAURIE MARIE) v.  
CHARLES INDUSTRIES LTD.**

**S171495** A115906 First Appellate District, Div. 4  
Petition for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. SMITH (TRACY  
CONRAD)**

**S171503** A117077 First Appellate District, Div. 2  
Petition for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. TAYLOR  
(WALTER VICTOR)**

**S171509** A124032 First Appellate District, Div. 5  
Petition for review denied  
George, C. J., was absent and did not participate.

**D.W. v. S.C. (PEOPLE)**

**S171530** D052606 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MCNEELY  
(DONALD RICHARD)**

**S171531** G041017 Fourth Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. DENBY (ERIC  
MICHAEL)**

**S171534** A123140 First Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**LOGMAN (WILLIAM) ON  
H.C.**

**S171535** A119004 First Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. HUDNALL-  
JOHNSON (MARILYN)**

**S171557** B201663 Second Appellate District, Div. 1

Petition for review denied

George, C. J., was recused and did not participate.

**KARTON (DAVID S.) v.  
DOUGHERTY (WILLIAM  
RUSSELL)**

**S171558** A117920 First Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. AJAELO  
(JIDEOFOR)**

**S171560** B204130 Second Appellate District, Div. 7

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. FLORES (JUAN  
ANTONIO)**

**S171564** E044684 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MARTINEZ  
(GIOVANNI ESEQUIEL)**

**S171567** B203585 Second Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. TEO (KALANI  
ALATISE)**

**S171572** G038417 Fourth Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PRYCE (OMAR SHERIFF)  
ON H.C.**

**S171578** D054737 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. THOMAS  
(KEITH)**

**S171590** B214454 Second Appellate District, Div. 6

Petition for review denied

George, C. J., was absent and did not participate.

**SOZA (ARNULFO) ON H.C.**

**S171592** D052061 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. LANDROCHE  
(TRAYTON)**

**S171596** B213981 Second Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**FIELDS (REGINALD MILON)  
ON H.C.**



**S171603** F056430 Fifth Appellate District

Petition for review denied  
George, C. J., was absent and did not participate.

**ESTRADA (RAYMOND T.)  
ON H.C.**

**S171607** C061140 Third Appellate District

Petition for review denied  
George, C. J., was absent and did not participate.

**ALEGRE (ANTONIO J.) ON  
H.C.**

**S171623** A121900 First Appellate District, Div. 1

Petition for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. HOUFF  
(RONALD)**

**S171641** G041689 Fourth Appellate District, Div. 3

Petition for review denied  
George, C. J., was absent and did not participate.

**TOTTEN (ANTHONY) ON  
H.C.**

**S171670** F054788 Fifth Appellate District

Petition for review denied  
George, C. J., was absent and did not participate.  
Baxter, J., was recused and did not participate.

**PEOPLE v. JEFF II (ROBERT  
GEORGE)**

**S171673** G039615 Fourth Appellate District, Div. 3

Petition for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. SANCHEZ  
(SANTIAGO NIETO)**

**S171675** B183426/B186025 Second Appellate District, Div. 3 **BLANKS (BILLY) v.  
SEYFARTH SHAW LLP.**

Petition for review denied  
George, C. J., was absent and did not participate.

**S171679**      G041321 Fourth Appellate District, Div. 3

Petitions for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. YERGENSON  
(HAROLD LAMAR)**

**S171716**      H032066 Sixth Appellate District

Petition for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. HJELTNESS  
(SUSAN MARIE)**

**S171717**      B200983 Second Appellate District, Div. 1

Petition for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. BROWN (LEON  
MCDONALD)**

**S171735**      B204595 Second Appellate District, Div. 2

Petition for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. AGUILAR  
(EDWARD)**

**S171736**      F055659 Fifth Appellate District

Petition for review denied  
George, C. J., was absent and did not participate.  
Baxter, J., was recused and did not participate.

**PEOPLE v. KINDER (BOBBY  
LEE)**

**S171737**      B203815 Second Appellate District, Div. 4

Petition for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. SAMUEL (AARON  
CHARLES)**

**S171743**      B205393 Second Appellate District, Div. 4

Petition for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. BARNES  
(JERMAINE MONTIQUE)**

**S171749** B214179 Second Appellate District, Div. 8

Petition for review denied

George, C. J., was absent and did not participate.

**WELLS (GEORGE WESLEY)  
ON H.C.**

**S171760** E043359 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. BERRERA  
(ERNESTO MARTINEZ)**

**S171769** D052471 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. SMITH (PATRICK  
ALTAN)**

**S171806** A120680 First Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**D.L., IN RE**

**S171813** F053246 Fifth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. PRITCHETT  
(CHARLES EDWARD)**

**S171818** B199461 Second Appellate District, Div. 7

Petition for review & depublication request(s) denied

George, C. J., was absent and did not participate.

**BROBERG (KIRK) v.  
GUARDIAN LIFE  
INSURANCE COMPANY OF  
AMERICA**

**S171834** F054476 Fifth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. HARRIS  
(JONATHAN MICHAEL)**

**S171844**      B214785 Second Appellate District, Div. 7  
Petition for review denied  
George, C. J., was absent and did not participate.

**WICKLIFFE (ERIC) ON H.C.**

**S171851**      A120514 First Appellate District, Div. 2  
Petition for review denied  
George, C. J., was absent and did not participate.

**A.T., IN RE**

**S171875**      F055372 Fifth Appellate District  
  
Petition for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. BURBOA (JUAN DEDIOS)**

**S171885**      C060821 Third Appellate District  
  
Petition for review denied  
George, C. J., was absent and did not participate.

**MCCOLM (GEORGE L.),  
ESTATE OF**

**S171894**      G040044 Fourth Appellate District, Div. 3  
  
Petition for review denied  
George, C. J., was absent and did not participate.

**MELTON (KENNETH R.) v.  
BALLARD (LARRY)**

**S171901**      D052280 Fourth Appellate District, Div. 1  
  
Petition for review denied  
George, C. J., was absent and did not participate.

**PEOPLE v. JUDGE  
(WILLIAM EDWARD)**

**S171918**      G038365 Fourth Appellate District, Div. 3

**BINNS (KENNETH BRUCE) v.  
WESTMINSTER MEMORIAL  
PARK**

Petition for review denied; CA opinion decertified  
The petition for review is denied.  
The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed February 26, 2009, which appears at 171 Cal.App.4th 700. (Cal. Const., art. VI, section 14; rule 8.1125(c)(1), Cal. Rules of Court.)  
George, C. J., was absent and did not participate.

Kennard and Werdegard, JJ., are of the opinion the petition should be granted.

**S171925**      G041753 Fourth Appellate District, Div. 3      **BURNETT (ALLEN DEAN) v.  
S.C. (PEOPLE)**

Petition for review denied

George, C. J., was absent and did not participate.

**S171944**      B202540 Second Appellate District, Div. 1      **PEOPLE v. WILLIAMS  
(JOEL)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Nguyen*, S154847.

George, C. J., was absent and did not participate.

**S171962**      B209006 Second Appellate District, Div. 4      **WILKERSON , D.C.,  
(CHRISTOPHER M.) v.  
PORTNER (MICHAEL G.)**

Petition for review denied

George, C. J., was absent and did not participate.

**S171965**      G039877 Fourth Appellate District, Div. 3      **MELTON (KENNETH R.) v.  
FIRST WESTERN  
CORPORATION**

Petition for review denied

George, C. J., was absent and did not participate.

**S171979**      B207700 Second Appellate District, Div. 2      **VAZQUEZ (EDIL & DONNA),  
MARRIAGE OF**

Petition for review denied

George, C. J., was absent and did not participate.

**S171986**      B207185 Second Appellate District, Div. 2      **D.L., IN RE**

Petition for review denied

George, C. J., was absent and did not participate.

<p><b>S172002</b>      B206557 Second Appellate District, Div. 7 Petition for review denied George, C. J., was absent and did not participate.</p>	<p><b>PEOPLE v. ZUNIGA (JESSE)</b></p>
<p><b>S172003</b>      D053686 Fourth Appellate District, Div. 1 Petition for review denied George, C. J., was absent and did not participate.</p>	<p><b>T.F., IN RE</b></p>
<p><b>S172004</b>      B205867 Second Appellate District, Div. 7  Petition for review denied George, C. J., was absent and did not participate.</p>	<p><b>PEOPLE v. CUELLAR (HENRY ALEXANDER)</b></p>
<p><b>S172010</b>      B215209 Second Appellate District, Div. 5 Petition for review denied George, C. J., was absent and did not participate.</p>	<p><b>M.G. v. S.C. (PEOPLE)</b></p>
<p><b>S172012</b>      B200600 Second Appellate District, Div. 2  Petition for review denied George, C. J., was absent and did not participate.</p>	<p><b>PEOPLE v. AGUIRRE (CARLOS)</b></p>
<p><b>S172015</b>      F055144 Fifth Appellate District  Petition for review denied George, C. J., was absent and did not participate.</p>	<p><b>DEAN (JAMES B.) v. ALFIER (HARRY)</b></p>
<p><b>S172018</b>      F054026 Fifth Appellate District  Petition for review denied George, C. J., was absent and did not participate.</p>	<p><b>DEAN (JAMES B.) v. DEERWOOD CORPORATION</b></p>

**S172041**      G039780 Fourth Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. UMANZOR  
(CHRISTIAN ROBERTO)**

**S172043**      D052581 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. SEPULVEDA  
(MIGUEL JOSE)**

**S172046**      B207960 Second Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**J.G., IN RE**

**S172050**      B200015 Second Appellate District, Div. 4

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. DAVID (DAVID  
MICHAEL)**

**S172054**      B205103 Second Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. DIAZ (JUAN  
JOSE)**

**S172061**      A119777 First Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. SMITH  
(ANTHONY)**

**S172063**      D052338 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. GOUGH  
(DONOVAN JAMES)**

**S172070** H032525 Sixth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**SCHLAFLY (JULIE &  
ROGER), MARRIAGE OF**

**S172071** F055152 Fifth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. ANISCHENKO  
(VLADIMIR SERGEY)**

**S172075** C057159 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PALERMO UNION SCHOOL  
DISTRICT v. CALIFORNIA  
STATE TEACHERS'  
RETIREMENT SYSTEM**

**S172085** B203982 Second Appellate District, Div. 6

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MCINTYRE  
(GENE)**

**S172086** G039797 Fourth Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. CRISANTE  
(GONZALO)**

**S172093** E044013 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. CARLE (ERIC  
BRENDAN)**

**S172107** G039846 Fourth Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. WILLIAMS  
(ELLIS CHARLES)**



**S172111** E044850 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. GATES (LEON STEVEN)**

**S172119** B211075 Second Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**M.A., IN RE**

**S172123** B208887 Second Appellate District, Div. 8

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. EIFERMAN (GARRET SHAUN)**

**S172140** D052093/D053283 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. GAULDIN (MARIO)**

**S172147** B202557 Second Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. TAYLOR (LARRON)**

**S172149** A124454 First Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**THOMAS (KEITH) ON H.C.**

**S172155** C061379 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**FUOCO (GIOVANNI) v. S.C. (PEOPLE)**

**S172158** B200272 Second Appellate District, Div. 8

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. RUIZ (ALDO JOSE)**

**S172162** B205117 Second Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MUNOZ (ELIAS IVAN)**

**S172164** B204812 Second Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. DRAKE (JAMIASEN EARL)**

**S172165** H033492 Sixth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. MORROW (JAMES)**

**S172382** B215255 Second Appellate District, Div. 3

Petition for review & application for stay denied

George, C. J., was absent and did not participate.

**KARKOUR (DAVID) v. S.C. (GHAZALI)**

**S172591** B215254 Second Appellate District, Div. 4

Petition for review & application for stay denied

George, C. J., was absent and did not participate.

**GREENE (CEDRIC) v. S.C. (BROOKS)**

**S172661** C061590 Third Appellate District

Petition for review & application for stay denied

George, C. J., was absent and did not participate.

**BUFORD (KEITH) v. S.C. (PEOPLE)**

**S172745** E048105 Fourth Appellate District, Div. 2**SANDERS (DONALD) v. S.C.  
(EAST WEST BANK)**

Petition for review & application for stay denied  
George, C. J., was absent and did not participate.

**S091159****SALCIDO (RAMON  
BOJORQUEZ) ON H.C.**

The petition for writ of habeas corpus is DENIED.  
All claims, except claim XIII, are denied on the merits.  
Claim XIII is denied as premature, without prejudice to renewal after an execution date is set.  
Claims VIII, XII, XIV, XV, and XVI also are denied on the ground that they should have been,  
but were not, raised on appeal. (*In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3; *In re Dixon* (1953)  
41 Cal.2d 756, 759.)  
Claim XI, subclaims A, B, C, and D also are denied on the ground that they were raised and  
rejected on appeal. (*In re Harris, supra*, 5 Cal.4th at pp. 829-841; *In re Waltreus* (1965) 62  
Cal.2d 218, 225.)  
George, C. J., was absent and did not participate.

**S163878****CHAVEZ (JESUS LOPEZ) ON  
H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S166147****CHAVEZ (JESUS) ON H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S166838****WINFIELD (CALVIN LEE)  
ON H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S166845****VALLE (PABLO CHINA) ON  
H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S166848**

Petition for writ of habeas corpus denied  
(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)  
George, C. J., was absent and did not participate.

**CUEVAS (RENE S.) ON H.C.****S166850**

Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218.)  
George, C. J., was absent and did not participate.

**PETERSON (MILFORD JAY)  
ON H.C.****S166851**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**GOMEZ (ROBERTO  
ZELADA) ON H.C.****S166974**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**RAWLS (ANTHONY D.) ON  
H.C.****S166986**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**MENDOZA (SANTOS) ON  
H.C.****S166998**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**WARE (LEO NORVELL) ON  
H.C.****S167020**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**RAINS (CLAGETT) ON H.C.**

**S167021**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**WHITE (GREGORY) ON H.C.****S167252**

Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C. J., was absent and did not participate.

**SIFUENTES (MIGUEL) ON H.C.****S167321**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**IVINS (JAMES ALLEN) ON H.C.****S167447**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**MUTCH (MARVIN LEE) ON H.C.****S167900**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**MCFADDEN (GEORGE) ON H.C.****S167908**

Petition for writ of habeas corpus denied  
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C. J., was absent and did not participate.

**MILTON (WILLIAM) ON H.C.****S167960**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**JOHNSON (TIMOTHY WAYNE) ON H.C.**

**S168030****RAMOS (AVELINO) ON H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S168032****BESERRA, JR., (HENRY) ON  
H.C.**

Petition for writ of habeas corpus denied  
(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Lindley* (1947) 29 Cal.2d 709; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)  
George, C. J., was absent and did not participate.

**S168052****MACK (TIMOTHY E.) ON  
H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S168069****POWELL (BENNY GENE) ON  
H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S168151****GUTIERREZ (EDWARD J.)  
ON H.C.**

Petition for writ of habeas corpus denied  
(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)  
George, C. J., was absent and did not participate.

**S168155****HUYNH (GIANG KIEN) ON  
H.C.**

Petition for writ of habeas corpus denied  
(See *In re Dixon* (1953) 41 Cal.2d 756; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)  
George, C. J., was absent and did not participate.

**S168160****MILLER (CURTIS E.) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

George, C. J., was absent and did not participate.

**S168215****ROWELL, JR., (GEORGE  
RAYMOND) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S168285****MONTES (VICTOR  
RODRIGUEZ) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C. J., was absent and did not participate.

**S168290****CARGILL (THOMAS  
GEORGE) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C. J., was absent and did not participate.

**S168360****HUNT (STONEY LYNN) ON  
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S168369****SMITH (MICHAEL D.) ON  
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S168402****COULSON (DAVID LYNN)  
ON H.C.**

Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218.)

George, C. J., was absent and did not participate.

**S168406****CULPEPPER (JAMES B.) ON  
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S168464****DORSEY (MARK EDWARD)  
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C. J., was absent and did not participate.

**S168603****JASSO (RAFAEL) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S168613****MOSLEY (CARLTON V.) ON  
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S168615****MOSLEY (CARLTON V.) ON  
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.



**S168627****WOODS II (EARNEST C.) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

George, C. J., was absent and did not participate.

**S168636****OLDS (TOD W.) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S168637****SPENCER (NATHAN) ON  
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S168638****GARCIA (MARIO RONEY)  
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)

George, C. J., was absent and did not participate.

**S168640****COFFIN (WILLIAM C.) ON  
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S168641****MARTIN (DERRICK T.) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C. J., was absent and did not participate.

**S168649****TURNER (ANTHONY LEE)  
ON H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S168672****HALL (DANIEL MARKELL  
WESLEY) ON H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S168678****OTIS (LORIE) ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Waltreus* (1965) 62 Cal.2d 218.)  
George, C. J., was absent and did not participate.

**S168680****WILLIAMS (MICHAEL T.)  
ON H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S168712****NORIEGA (GILBERTO) ON  
H.C.**

Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon*  
(1953) 41 Cal.2d 756.)  
George, C. J., was absent and did not participate.

**S168713****LEWIS (SHAWN LIONEL)  
ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)  
George, C. J., was absent and did not participate.

**S168726****ELLIOTT (DAVID A.) ON  
H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S168728****CONTRERAS (ERNESTO) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C. J., was absent and did not participate.

**S168739****RAMIREZ (ARTEMIO) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C. J., was absent and did not participate.

**S168764****ORTIZ (MICHAEL A.) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C. J., was absent and did not participate.

**S168771****BILLINGSLEY (ANDRE) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

George, C. J., was absent and did not participate.

**S168777****JIMENEZ (JOSE L.) ON H.C.**

Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C. J., was absent and did not participate.

**S168788****GADDY (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S168797****WILLIAMS (KELVIN  
LANCE) ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)  
George, C. J., was absent and did not participate.

**S168798****GOMEZ (JESUS D.) ON H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S168801****ELLIS (BENJAMIN) ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)  
George, C. J., was absent and did not participate.

**S168803****GAINES (DARIUS) ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C. J., was absent and did not participate.

**S168805****WILLIAMS (CHEMELL P.)  
ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C. J., was absent and did not participate.

**S168821****PEARSON (PATRICK) ON  
H.C.**

Petition for writ of habeas corpus denied  
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)  
George, C. J., was absent and did not participate.

**S168831**

Petition for writ of habeas corpus denied  
(See *In re Miller* (1941) 17 Cal.2d 734.)  
George, C. J., was absent and did not participate.

**ARENAS (DANIEL) ON H.C.****S168875**

Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C. J., was absent and did not participate.

**WILLIAMS, JR., (RICHARD A.) ON H.C.****S169107**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**WILLIAMS (KELVIN NEAL) ON H.C.****S169534**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**AYALA (JOSE) ON H.C.****S169939**

Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C. J., was absent and did not participate.

**GADDY (MICHAEL) ON H.C.****S170028**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**GOMEZ (HOMERO) ON H.C.****S170042**

Petition for writ of habeas corpus denied  
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Miller* (1941) 17 Cal.2d 734.)  
George, C. J., was absent and did not participate.

**WOODS II (EARNEST C.) ON H.C.**

**S170507**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**GUERRA-SHANER  
(MATTHEW) ON H.C.****S170572**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**JACKSON (STEPHEN) ON  
H.C.****S170717**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**GARIBAY (ERNEY) ON H.C.****S170890**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**GUERRA-SHANER  
(MATTHEW) ON H.C.****S171318**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**AGAKIAN (HARO) ON H.C.****S171651**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**JACKSON (STEPHEN) ON  
H.C.****S171746**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**JACKSON (STEPHEN) ON  
H.C.**

**S171754****JACKSON (STEPHEN) ON  
H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)

George, C. J., was absent and did not participate.

**S171804****NIBLE (WILLIAM) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

George, C. J., was absent and did not participate.

**S171833****MARTI (ALEX LAMOTA) ON  
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S171902****GONZALEZ (MATEO  
ENRIQUEZ) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S171908****THOMAS (KEITH) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C. J., was absent and did not participate.

**S171911****CRUMP (STEVE) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

**S171949****THOMAS (KEITH) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

George, C. J., was absent and did not participate.

**S172040****BODNAR (THOMAS) ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Dixon* (1953) 41 Cal.2d 756.)  
George, C. J., was absent and did not participate.

**S172089****HUBBARD (STEPHEN) ON  
H.C.**

Petition for writ of habeas corpus denied  
George, C. J., was absent and did not participate.

**S172169****THOMAS (KEITH) ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins*  
(1998) 18 Cal.4th 770, 780.)  
George, C. J., was absent and did not participate.

**S172291****WOODARD (VICTOR) ON  
H.C.**

Petition for writ of habeas corpus denied  
(See *In re Dixon* (1953) 41 Cal.2d 756.)  
George, C. J., was absent and did not participate.

**S172337****OLIVER (IVAN G.) ON H.C.**

Petition for writ of habeas corpus denied  
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)  
George, C. J., was absent and did not participate.

**S172386****JACKSON (STEPHEN) ON  
H.C.**

Petition for writ of habeas corpus denied  
(See *In re Miller* (1941) 17 Cal.2d 734.)  
George, C. J., was absent and did not participate.

**S172720****CONSIGLIO (SAM) ON H.C.**

The petition for writ of habeas corpus and request for stay are denied.  
George, C. J., was absent and did not participate.



**S170950** B201218 Second Appellate District, Div. 1

**EASTERBY (DENISE) v.  
STEPHEN W. CLARK,  
INC./ (DELEDONNE)**

Depublication requests denied (case closed)  
George, C. J., was absent and did not participate.

**S171650** A118910/A119761 First Appellate District, Div. 4

**RAMIREZ (ROBERT) v. CITY  
OF PETALUMA**

Publication request denied (case closed)  
George, C. J., was absent and did not participate.

**S171832** A120551 First Appellate District, Div. 1

**PEOPLE v. TURNER (EARL  
THOMAS)**

Publication request denied (case closed)  
The request to grant review on the court's own motion is denied.  
The request for an order directing publication of the opinion in the above entitled appeal is denied.  
George, C. J., was absent and did not participate.

**S068536**

**PEOPLE v. MCWHORTER  
(RICHARD)**

Withdrawal of counsel allowed by order  
The order appointing Michael G. Millman, as Executive Director of the California Appellate Project, to serve as interim habeas corpus/executive clemency counsel of record for appellant Richard McWhorter, filed October 3, 2008, is hereby vacated.  
Michael W. Clough is hereby appointed to represent appellant Richard McWhorter for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.  
Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of prior habeas corpus/executive clemency counsel Phyllis M. Quatman's declaration, in support of her motion to withdraw, to the effect that she was unable to discharge her duty to investigate and, if appropriate, present a habeas corpus petition on behalf of appellant Richard McWhorter, and this court's delay in appointing replacement habeas corpus/executive clemency counsel.  
George, C. J., was absent and did not participate.

**S132253****PEOPLE v. HELZER (JUSTIN  
ALAN)**

Counsel appointment order filed

In California, a criminal defendant has no right to represent himself or herself on appeal. (*People v. Scott* (1998) 64 Cal.App.4th 550; see also *Martinez v. California* (2000) 528 U.S. 152.) On the court's own motion, David Nickerson is hereby appointed to represent appellant Justin Alan Helzer for the direct appeal in the above automatic appeal now pending in this court. George, C. J., was absent and did not participate.

**S080276****PEOPLE v. NG (CHARLES  
CHITAT)**

Order filed

Appellant's "Application for Permission to File Overlength Appellant's Opening Brief" is granted.

